

## Department of Health and Human Services

## § 50.3

the investigator(s), or the guardian organization.

### **PART 50—U.S. EXCHANGE VISITOR PROGRAM—REQUEST FOR WAIVER OF THE TWO-YEAR FOREIGN RESIDENCE REQUIREMENT**

Sec.

50.1 Authority.

50.2 Exchange Visitor Waiver Review Board.

50.3 Policy.

50.4 Procedures for submission of application to HHS.

50.5 Personal hardship, persecution and visa extension considerations.

50.6 Release from foreign government.

AUTHORITY: 75 Stat. 527 (22 U.S.C. 2451 et seq.); 84 Stat. 116 (8 U.S.C. 1182(e)).

SOURCE: 49 FR 9900, Mar. 16, 1984, unless otherwise noted.

#### **§ 50.1 Authority.**

Under the authority of Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527) and the Immigration and Nationality Act as amended (84 Stat. 116), the Department of Health and Human Services is an “interested United States Government agency” with the authority to request the United States Information Agency to recommend to the Attorney General waiver of the two-year foreign residence requirement for exchange visitors under the Mutual Educational and Cultural Exchange Program.

#### **§ 50.2 Exchange Visitor Waiver Review Board.**

(a) *Establishment.* The Exchange Visitor Waiver Review Board is established to carry out the Department’s responsibilities under the Exchange Visitor Program.

(b) *Functions.* The Exchange Visitor Waiver Review Board is responsible for making thorough and equitable evaluations of applications submitted by institutions, acting on behalf of exchange visitors, to the Department of HHS for a favorable recommendation to the United States Information Agency that the two-year foreign residence requirement for exchange visitors under the Exchanges Visitor Program be waived.

(c) *Membership.* The Exchange Visitor Waiver Review Board consists of no fewer than three members and two al-

ternates, of whom no fewer than three shall consider any particular application. The Director of the Office of International Affairs, Office of the Secretary, is an ex officio member of the Board and serves as its Chairman. The Director may designate a staff member of the Office of the Secretary to serve as member and Chairman of the Board in the Director’s absence. Two regularly assigned members and two alternates are appointed by the Assistant Secretary of Health to consider applications concerning health, biomedical research, and related fields. The Chairman may request the heads of operating divisions of the Department to appoint additional members to consider applications in other fields of interest to the Department (e.g. human services, social security). The Board may obtain expert advisory opinions from other sources.

(d) *Eligibility.* The Board will review applications submitted by private or non-federal institutions, organizations or agencies or by a component agency of HHS. The Board will not consider applications submitted by exchange visitors or, unless under extenuating and exceptional circumstances, other U.S. Government Agencies.

#### **§ 50.3 Policy.**

(a) *Criteria and information pertaining to waivers.* The Department of Health and Human Services endorses the philosophy of the Exchange Visitor Program that exchange visitors are committed to return home for at least two years after completing their program. This requirement was imposed to prevent the Program from becoming a stepping stone to immigration and to insure that exchange visitors make their new knowledge and skills available to their home countries. Accordingly, the Board carefully applies stringent and restrictive criteria to its consideration of requests that it support waivers for exchange visitors. Each application is evaluated individually on the basis of the facts available.

In determining whether to recommend an exemption for an exchange visitor from his/her obligation to the Exchange Visitor Program, the Board considers the following key factors: